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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,788	12/09/2003	Stephen Wayne Metz	GEMS 142193XZ(3880)	4816

7590 06/15/2005

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EXAMINER

KIM, AHSHIK

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/730,788	Applicant(s) METZ ET AL.	
	Examiner Ahshik Kim	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/29/03 (initial filing of application).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-24 are objected to because of the following informalities:

5 Claim numbers are formatted [c1], [c2]....., which are improper. According to 37 CFR Rule 1.126, [] indicates deleted text. Therefore, it can be technically interpreted that presented claims do not have claim numbers. Applicant is encouraged to use "Claim 1", Claim 2" or "1.", "2." for claim numbers.

Although these claims are objected, appropriate correction is required.

10

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

15 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Fellegara et al. (US 5,592,374, hereinafter "Fellegara").

20 Re claims 1, 3, 10, 12, 13, 16-18, and 22, Fellegara discloses patient identification and X-ray exam data collection system (see abstract; col. 3, lines 13+) comprising patient identification means embodied with patient barcode (col. 3, lines 18+); the x-ray exam information also encoded in the barcode to be read into a header file (col. 2, lines 33+; col. 3, lines 56-62). The medical imaging system adjust the apparatus based on the image parameters retrieved (col. 2,

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lines 46-61; col. 5, lines 3-14). The parameters which were previously saved can be changed if desired

Re claims 2, 4, 11, 21, and 23, the patient information includes information such as patient name, patient ID, date of birth, sex and other physician and treatment information (col. 9, lines 31+). Although not explicitly stated, the people with proper access authority can modify patient data which is done as a hospital procedure, or by the feature of the database.

Re claims 5 and 19, the new label can be printed after the information is updated (col. 9, lines 10-14).

Re claims 6, 7, 14, 15, and 24, patient's coming for an examination (probably based on the physician's diagnosis) is a predetermined event (col. 5, lines 3+). More narrowly, reading the patient's tag or label with an optical scanner can be a predetermined event.

Re claims 8 and 9, the medium for collecting the patient information can be a magnetic card (col. 2, lines 9+). Although not explicitly stated, the patient card, like other identification card, would have information regarding the patient, facilities, and insurer information on the card.

Re claim 20, as shown in figure 4, the critical care system 200 is comprised of a scanner, a quality control and data entry work station 202, a high resolution monitor 204 which are connected through cable and the Ethernet connection (col. 7, lines 55+)

Conclusion

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I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: White et al. (US 6,515,569); Walsh (US 6,497,358); Kunimoto et al. (US 5,917,536); Ross et al. (US 5,823,948); Lee et al. (US 6,656,120); Koritzinsky et al. (US 6,272,469) disclose patient-centric data systems. Applicant is respectfully suggested to carefully review these references.

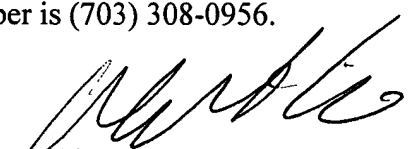
II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Ahshik Kim
Patent Examiner
Art Unit 2876
June 9, 2005